

SENATE BILL 591

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 12,  
Chapter 4, Part 1, relative to public contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following language as a new section:

12-4-127

(a) The plans, specifications, and contract documents issued pursuant to the public purchasing law compiled in title 12, shall not:

(1) Require a bidder, contractor, or subcontractor to enter into or comply with an agreement with a labor organization on the same or a related public works project;

(2) Discriminate against a bidder, contractor, or subcontractor for refusing to enter into, remain signatory to, or comply with an agreement with a labor organization on the same or a related public works project; or

(3) Require a bidder, contractor, or subcontractor to enter into or comply with an agreement that requires an employee of the bidder, contractor, or subcontractor, as a condition of employment, to do either of the following:

(A) Become a member of or become affiliated with a labor organization; or

(B) Over the objection of an employee, pay dues or fees to a labor organization that exceed the employee's share of the labor organization's cost relating to collective bargaining, contract administration, or grievance adjustment.

(b) A bidder, contractor, or subcontractor has a cause of action to challenge the award of a public works contract that violates any part of this section, in accordance with protest procedures under § 4-56-103.

(c) A bidder, contractor, or subcontractor that prevails in an action under this section is entitled to the following relief:

(1) A declaration that the provisions of the public contract that violate the section herein are void;

(2) Costs and attorneys' fees; and

(3) Any other appropriate and reasonable relief requested by the interested party.

(d) This section does not prohibit an employer or any other person covered by the National Labor Relations Act compiled in 29 U.S.C. § 131 from entering into agreements or engaging in any other activity protected by law. This section may not be interpreted to interfere with the labor relations of persons covered by the National Labor Relations Act.

(e) Relief that would interfere with the labor relations of persons covered by the National Labor Relations Act may not be granted under this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.